

**SENATE BILL NO. 2282**

Introduced by

Senators Dwyer, Estenson, Vedaa

Representatives Cory, O'Brien, Pyle

1 A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota  
2 Century Code, relating to the limitation on claims for sexual assault; and to amend and reenact  
3 sections 28-01-18, 28-01-22.1, ~~and 28-01-25.1, and 32-12.1-10, and subsection 1 of section~~  
4 32-12.2-04 of the North Dakota Century Code, relating to limitations on civil actions alleging  
5 sexual assault, sexual abuse, gross sexual imposition, or childhood sexual abuse; ~~and to~~  
6 ~~provide an expiration date, and the notice requirement for claims against the state.~~

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 28-01-18 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **28-01-18. Actions having two-year limitations.**

- 11 ~~1. The~~ Except as provided in section 4 of this Act, the following actions must be  
12 commenced within two years after the claim for relief has accrued:
- 13 1. ~~a.~~ An action for libel, slander, assault, battery, or false imprisonment.
  - 14 2. ~~b.~~ An action upon a statute for a forfeiture or penalty to the state.
  - 15 3. ~~c.~~ An action for the recovery of damages resulting from malpractice; provided,  
16 however, that the limitation of an action against a physician or licensed hospital  
17 will not be extended beyond six years of the act or omission of alleged  
18 malpractice by a nondiscovery thereof unless discovery was prevented by the  
19 fraudulent conduct of the physician or licensed hospital. This limitation is subject  
20 to the provisions of section 28-01-25.
  - 21 4. ~~d.~~ An action for injuries done to the person of another, when death ensues from  
22 such injuries, and the claim for relief must be deemed to have accrued at the time  
23 of the death of the party injured; provided, however, that when death ensues as  
24 the result of malpractice, the claim for relief is deemed to have accrued at the

1 time of the discovery of the malpractice. However, the limitation will not be  
2 extended beyond six years of the act or omission of alleged malpractice by a  
3 nondiscovery thereof unless discovery was prevented by the fraudulent conduct  
4 of the physician or hospital.

5 ~~5. e.~~ An action for recovery of damages arising under chapter 5-01, and the claim for  
6 relief is deemed to have accrued at the time of the alleged offense. This limitation  
7 does not apply to any claim for relief existing at the time of the enactment of this  
8 subsection.

9 ~~2. If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,~~  
10 ~~or gross sexual imposition, is barred because of the time limitation under this section,~~  
11 ~~that claim is revived. A claim revived under this subsection must be commenced~~  
12 ~~before August 1, 2025.~~

13 **SECTION 2. AMENDMENT.** Section 28-01-22.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **28-01-22.1. Actions against state - Limitation.**

- 16 1. When not otherwise specifically provided by law, an action against the state or its  
17 employees and officials acting within the scope of their employment or office must be  
18 commenced within three years after the claim for relief has accrued.
- 19 2. For purposes of this section, the claim for relief is deemed to have accrued at the time  
20 it is discovered or might have been discovered in the exercise of reasonable diligence.  
21 This may not be construed as a waiver of immunity.
- 22 ~~3. If on August 1, 2023, a claim for relief that resulted from sexual assault, sexual abuse,~~  
23 ~~or gross sexual imposition, in a public school is barred because of the time limitation~~  
24 ~~under this section, that claim is revived. A claim revived under this subsection must be~~  
25 ~~commenced before August 1, 2025~~Notwithstanding subsections 1 and 2, an action for  
26 relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any  
27 other claim based on a sexual act or sexual contact as defined in chapter 12.1-20  
28 must be commenced:
- 29 a. Within nine years after the date the act occurred; or  
30 b. Within twenty-one years after the date the act occurred, if the act occurred when  
31 the plaintiff was under eighteen years of age.

1 4. If the plaintiff was under fifteen years of age when a claim for relief resulting from  
2 sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a  
3 sexual act or sexual contact as defined in chapter 12.1-20 occurred, the applicable  
4 twenty-one year period of limitation does not begin to run until the plaintiff has reached  
5 fifteen years of age.

6 **SECTION 3. AMENDMENT.** Section 28-01-25.1 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **28-01-25.1. Limitation on actions alleging childhood sexual abuse.**

- 9 1. Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual  
10 abuse must be commenced within ~~ten~~twenty-one years after the ~~plaintiff knew or~~  
11 ~~reasonably should have known that a~~ potential claim ~~exists~~ resulting from alleged  
12 childhood sexual abuse accrued.
- 13 2. ~~If on August 1, 2023, a claim for relief that resulted from childhood sexual abuse is~~  
14 ~~barred because of the time limitation under subsection 1, that claim is revived. A claim~~  
15 ~~revived under this subsection must be commenced before August 1, 2025~~If the plaintiff  
16 was under fifteen years of age when the act resulting in a potential claim for childhood  
17 sexual abuse occurred, the applicable twenty-one year period of limitation does not  
18 begin to run until the plaintiff has reached fifteen years of age.
- 19 3. For purposes of this section, "childhood sexual abuse" means any act committed by  
20 the defendant against the plaintiff which occurred when the plaintiff was under  
21 eighteen years of age and which would have been a violation of chapter 12.1-20 or  
22 12.1-27.2.
- 23 4. In a claim for relief under this section, the plaintiff is not required to establish which act  
24 in a continuous series of sexual abuse acts by the defendant caused the injury.

25 **SECTION 4.** A new section to chapter 28-01 of the North Dakota Century Code is created  
26 and enacted as follows:

27 **Limitation on claims for sexual assault.**

28 A claim for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or  
29 any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20 must be  
30 commenced within nine years after the date of the act.

1       **SECTION 5. AMENDMENT.** Section 32-12.1-10 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **32-12.1-10. Statute of limitations.**

4       ~~An~~

5       1. Except as otherwise provided in this section, an action brought under this chapter  
6 must be commenced within three years after the claim for relief has accrued.

7       2. An action under this chapter for relief that resulted from sexual assault, sexual abuse,  
8 gross sexual imposition, or any other claim based on a sexual act or sexual contact as  
9 defined in chapter 12.1-20 must be commenced:

10       a. Within nine years after the date the act occurred; or

11       b. Within twenty-one years after the date the act occurred, if the act occurred when  
12 the plaintiff was under eighteen years of age.

13       3. If the plaintiff was under fifteen years of age when a claim for relief resulting from  
14 sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a  
15 sexual act or sexual contact as defined in chapter 12.1-20 occurred, the applicable  
16 twenty-one year period of limitation does not begin to run until the plaintiff has reached  
17 fifteen years of age.

18       **SECTION 6. AMENDMENT.** Subsection 1 of section 32-12.2-04 of the North Dakota  
19 Century Code is amended and reenacted as follows:

20       1. a. A person bringing a claim against the state or a state employee for an injury shall  
21 present to the director of the office of management and budget within one  
22 hundred eighty days after the alleged injury is discovered or reasonably should  
23 have been discovered a written notice stating the time, place, and circumstances  
24 of the injury, the names of any state employees known to be involved, and the  
25 amount of compensation or other relief demanded.

26       b. The time for giving the notice does not include the time during which a person  
27 injured is incapacitated by the injury from giving the notice. If the claim is one for  
28 death, the notice may be presented by the personal representative, surviving  
29 spouse, or next of kin within one year after the alleged injury resulting in the  
30 death.

1           c. The time for giving the notice is waived for a claim for relief that resulted from  
2           sexual assault, sexual abuse, gross sexual imposition, or any other claim based  
3           on a sexual act or sexual contact as defined in chapter 12.1-20.

4     ~~SECTION 7. EXPIRATION DATE. This Act is effective through July 31, 2025, and after that~~  
5     ~~date is ineffective.~~